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Paper No. 7

DIGEO, INC C/O STOEL RIVES LLP
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ONE UTAH CENTER
SALT LAKE CITY UT 84111

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JUL 26 2002

OFFICE OF PETITIONS

In re Application of :
Novak, Okamoto, and Christensen :
Application No. 10/010,736 : DECISION ACCORDING STATUS
Filed: 6 December, 2001 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 4000.2.96 :

This is in response to the petition under 37 CFR 1.47(a)¹ filed on 4 April, 2002.

The petition is **GRANTED**.

Petitioners have shown that non-signing joint inventor Robert E. Novak has refused to join in the filing of this application. Specifically, petitioners have shown, via the statement by petitioners' counsel, Kory D. Christensen, that a copy of the application papers was sent by Federal Express on two (2) occasions to the last known address of joint inventor Novak, but Novak has failed to sign and return the declaration naming his as a joint inventor along with James K. Okamoto and Kory D. Christensen.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

¹A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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Robert E. Novak
602 Valeri Ruth Court
Santa Clara, CA 95080

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OFFICE OF PETITIONS

In re Application of
Novak et al.
Application No. 10/010,736
Filed: 6 December, 2001
For: Method and System for Distributing Personalized Editions of Media Programs Using Bookmarks

Dear Mr. Novak:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Douglas I. Wood at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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